

**From:** [Ditch Plains Association](#)  
**To:** [Kraft, Nicole](#)  
**Subject:** High Capacity Cesspools Within Montauk, NY  
**Date:** Monday, September 26, 2016 5:21:04 PM  
**Attachments:** [Cesspool Map.pdf](#)  
[Crow's Nest SCDHS FOIL.pdf](#)  
[Montauk Shores SCDHS FOIL.pdf](#)  
[CrabbyCowboyRestaurantSanitaryUpgrade.pdf](#)  
[Arbor- 240 Fort Pond02274720160805110941.pdf](#)  
[Dioguardi-Cyrils.pdf](#)  
[Crows Nest Property Sheet-2.pdf](#)  
[Duryea siteplan special permit evaluation.pdf](#)

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Dear Ms. Kraft,

The following environmental organizations, Concerned Citizens of Montauk (<http://www.preservemontauk.org>), Surfrider Foundation- Eastern Long Island Chapter (<http://www.surfrider.org/chapters/entry/eastern-long-island>), DefendH2O (<http://defendh2o.org>), and Ditch Plains Association (<http://ditchplainsassociation.com>) wish to bring to your attention numerous properties within the Town of East Hampton, specifically in the hamlet of Montauk that are waterfront, or closely adjacent to bodies of water, that may be operating high capacity cesspools in violation of the Clean Water Act. Disturbingly, some of these establishments have sought in the past, or are seeking currently, from the East Hampton Town Zoning Board of Appeals (ZBA) or the East Hampton Town Planning Board approvals for significant renovations and/or modifications to their structures without an upgrade to their sanitary systems. While in some cases the Town of East Hampton is aware of the deficiencies of these sanitary systems, the Town has approved these applications with the justification that sanitary systems are governed by the Suffolk County Department of Health Services (SCDHS). Regrettably, it appears that SCDHS does not recognize the application of the federally mandated Clean Water Act legislation and "grandfathers" these illegal systems. While the Town can act by citing Local Rule, the Town has continued to defer to SCDHS. To our knowledge, the NYS Department of Environmental Conservation (DEC) has not intervened in support of the Clean Water Act.

Please see the attached map that includes information on properties where high capacity cesspools may still be in effect. These establishments have active applications before the Town Planning or ZBA Boards (please see EH Planning Department Memo on Arbor citing cesspool in groundwater).

Arbor— 240 Fort Pond Rd, Montauk, NY 11954  
Dioguardi (aka Cyrils)—2167 Montauk Hwy, Montauk, NY 11954  
Rick's Crabby Cowboy—435 East Lake Drive, Montauk NY 11954

Additional applications will likely be made for:  
Gurney's Resort—290 Old Montauk Highway (on the ocean)  
Panoramic View Resort and Residences (redevelopment project)- 272 Old Montauk Highway (on the ocean)  
Rushmeyer's—161 Second House Road (adjacent to Fort Pond)  
Duryea's—65 Tuthill Road (on Fort Pond Bay)  
Gosman's—500 West Lake Drive, Montauk, NY 11954- possibly in sale contract (on Lake Montauk)  
Surf Lodge — currently working on a voluntary septic upgrade (on Fort Pond)

Obtaining records from SCDHS takes time and often no records can be found. When this occurs we have been told by SCDHS that no approvals from SCDHS have been obtained. Two such properties where FOIL requests have resulted in "no records" are:

Crows Nest, located at 4 Old West Lake Drive on Lake Montauk, Montauk, NY 11954 (on Lake Montauk)

Montauk Shores Condominiums (a/k/a "Trailer Park"), located at 100 Deforest Road, Montauk, NY 11954 (adjacent to the iconic and crowded Ditch Plains public beach).  
(See SCDHS Foil results for both Crows Nest and Montauk Shores)

Both properties have been granted Planning Board or ZBA approvals in the past, yet appear to be operating without final SCDHS approval for their sanitary systems. In such cases where no SCDHS records exist, EH Town's Wastewater Consultant, Lombardo Associates, has indicated that it should be assumed that properties that date prior to 1973 are likely to be operating cesspools. (It should be noted that the 250+ unit Montauk Shores is post 1973 and may be operating a septic tank- drain-field system, though nothing can be ascertained regarding the system specifications or its adequacy).

These are merely some of the examples of possible high capacity cesspools that may still be in effect in Montauk. Since much of Downtown Montauk and the Montauk Harbor area, including many of the marinas, the oceanfront motels, and the oceanfront Sloppy Tuna restaurant (148 South Emerson, Montauk) predate 1973, it may BE that some of those systems encompass cesspools that have yet to be upgraded. It is unfortunate that SCDHS has not undertaken an examination of their records to determine where these cesspools still exist and compel upgrades to these systems in accordance with Federal law, and certainly PRIOR to permitting any modification or expansion such facility.

Thank you for your efforts in safeguarding the public's precious water assets.

Sincerely,

CCOM, Surfrider ELI, DefendH2O, DPA

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